

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

LISA IRENE MCAULEY
1433 SUPERIOR AVENUE
APARTMENT 325
NEWPORT BEACH, CA 92663

Case No. 2007-285

Application for Licensure by Examination

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **MARCH 14, 2008**.

IT IS SO ORDERED **FEBRUARY 14, 2008**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Statement of Issues Against:

Case No. 2007-285

13 LISA IRENE MCAULEY
14 1433 Superior Avenue, Apt. 325
Newport Beach, CA 92663

15 Application No. 680603

Respondent.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by James M. Ledakis, Supervising Deputy Attorney General, and by Blanca I. Lopez, Senior
25 Legal Analyst.

26 2. Respondent Lisa McAuley (Respondent) is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about April 3, 2006, Respondent filed an application dated April 6, 2006, with the Board of Registered Nursing to obtain a Registered Nursing License.

JURISDICTION

4. Statement of Issues No. 2007-285 was filed before the Board of Registered Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on June 20, 2007. Respondent timely filed her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. 2007-285 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 2007-285. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2007-285.

9. Respondent agrees that her Registered Nursing License is subject to denial and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

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1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
2 and enforceable to the fullest extent permitted by law.

3 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
4 A full and detailed account of any and all violations of law shall be reported by Respondent to
5 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
6 compliance with this condition, Respondent shall submit completed fingerprint forms and
7 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
8 as part of the licensure application process.

9 **Criminal Court Orders:** If Respondent is under criminal court orders, including
10 probation or parole, and the order is violated, this shall be deemed a violation of these probation
11 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

12 2. **Comply with the Board's Probation Program.** Respondent shall fully
13 comply with the conditions of the Probation Program established by the Board and cooperate
14 with representatives of the Board in its monitoring and investigation of the Respondent's
15 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
16 within no more than 15 days of any address change and shall at all times maintain an active,
17 current license status with the Board, including during any period of suspension.

18 Upon successful completion of probation, Respondent's license shall be fully
19 restored.

20 3. **Report in Person.** Respondent, during the period of probation, shall
21 appear in person at interviews/meetings as directed by the Board or its designated
22 representatives.

23 4. **Residency, Practice, or Licensure Outside of State.** Periods of
24 residency or practice as a registered nurse outside of California shall not apply toward a reduction
25 of this probation time period. Respondent's probation is tolled, if and when she resides outside
26 of California. Respondent must provide written notice to the Board within 15 days of any change
27 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
28 returning to practice in this state.

1 Respondent shall provide a list of all states and territories where she has ever been
2 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
3 provide information regarding the status of each license and any changes in such license status
4 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
5 new nursing license during the term of probation.

6 **5. Submit Written Reports.** Respondent, during the period of probation,
7 shall submit or cause to be submitted such written reports/declarations and verification of actions
8 under penalty of perjury, as required by the Board. These reports/declarations shall contain
9 statements relative to Respondent's compliance with all the conditions of the Board's Probation
10 Program. Respondent shall immediately execute all release of information forms as may be
11 required by the Board or its representatives.

12 Respondent shall provide a copy of this Decision to the nursing regulatory agency
13 in every state and territory in which she has a registered nurse license.

14 **6. Function as a Registered Nurse.** Respondent, during the period of
15 probation, shall engage in the practice of registered nursing in California for a minimum of 24
16 hours per week for 6 consecutive months or as determined by the Board.

17 For purposes of compliance with the section, "engage in the practice of registered
18 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
19 work in any non-direct patient care position that requires licensure as a registered nurse.

20 The Board may require that advanced practice nurses engage in advanced practice
21 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
22 Board.

23 If Respondent has not complied with this condition during the probationary term,
24 and Respondent has presented sufficient documentation of her good faith efforts to comply with
25 this condition, and if no other conditions have been violated, the Board, in its discretion, may
26 grant an extension of Respondent's probation period up to one year without further hearing in
27 order to comply with this condition. During the one year extension, all original conditions of
28 probation shall apply.

1 7. **Employment Approval and Reporting Requirements.** Respondent
2 shall obtain prior approval from the Board before commencing or continuing any employment,
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.

10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
11 terminated or separated, regardless of cause, from any nursing, or other health care related
12 employment with a full explanation of the circumstances surrounding the termination or
13 separation.

14 8. **Supervision.** Respondent shall obtain prior approval from the Board
15 regarding Respondent's level of supervision and/or collaboration before commencing or
16 continuing any employment as a registered nurse, or education and training that includes patient
17 care.

18 Respondent shall practice only under the direct supervision of a registered nurse
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
21 are approved.

22 Respondent's level of supervision and/or collaboration may include, but is not
23 limited to the following:

24 (a) Maximum - The individual providing supervision and/or collaboration is
25 present in the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in
27 the patient care unit or in any other work setting at least half the hours Respondent works.

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1 (c) Minimum - The individual providing supervision and/or collaboration has
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse
14 unless the registered nursing supervision and other protections for home visits have been
15 approved by the Board. Respondent shall not work in any other registered nursing occupation
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the
25 Board may request documentation to determine whether there should be restrictions on the hours
26 of work.

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1 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
2 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
3 than six months prior to the end of her probationary term.

4 Respondent shall obtain prior approval from the Board before enrolling in the
5 course(s). Respondent shall submit to the Board the original transcripts or certificates of
6 completion for the above required course(s). The Board shall return the original documents to
7 Respondent after photocopying them for its records.

8 11. **Violation of Probation.** If Respondent violates the conditions of her
9 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
10 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
11 license.

12 If during the period of probation, an accusation or petition to revoke probation has
13 been filed against Respondent's license or the Attorney General's Office has been requested to
14 prepare an accusation or petition to revoke probation against Respondent's license, the
15 probationary period shall automatically be extended and shall not expire until the accusation or
16 petition has been acted upon by the Board.

17 12. **License Surrender.** During Respondent's term of probation, if she ceases
18 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
19 probation, Respondent may surrender her license to the Board. The Board reserves the right to
20 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
21 take any other action deemed appropriate and reasonable under the circumstances, without
22 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
23 will no longer be subject to the conditions of probation.

24 Surrender of Respondent's license shall be considered a disciplinary action and
25 shall become a part of Respondent's license history with the Board. A registered nurse whose
26 license has been surrendered may petition the Board for reinstatement no sooner than the
27 following minimum periods from the effective date of the disciplinary decision:

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1 (1) Two years for reinstatement of a license that was surrendered for any
2 reason other than a mental or physical illness; or

3 (2) One year for a license surrendered for a mental or physical illness.

4 13. **Physical Examination.** Within 45 days of the effective date of this
5 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
6 physician assistant, who is approved by the Board before the assessment is performed, submit an
7 assessment of the Respondent's physical condition and capability to perform the duties of a
8 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
9 medically determined, a recommended treatment program will be instituted and followed by the
10 Respondent with the physician, nurse practitioner, or physician assistant providing written
11 reports to the Board on forms provided by the Board.

12 If Respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed physician, nurse practitioner, or physician assistant making this determination shall
14 immediately notify the Board and Respondent by telephone, and the Board shall request that the
15 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
16 shall immediately cease practice and shall not resume practice until notified by the Board.
17 During this period of suspension, Respondent shall not engage in any practice for which a license
18 issued by the Board is required until the Board has notified Respondent that a medical
19 determination permits Respondent to resume practice. This period of suspension will not apply
20 to the reduction of this probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within
22 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
23 practice until notified by the Board. This period of suspension will not apply to the reduction of
24 this probationary time period. The Board may waive or postpone this suspension only if
25 significant, documented evidence of mitigation is provided. Such evidence must establish good
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
27 provided. Only one such waiver or extension may be permitted.

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1 14. **Participate in Treatment/Rehabilitation Program for Chemical**
2 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
3 period or shall have successfully completed prior to commencement of probation a Board-
4 approved treatment/rehabilitation program of at least six months duration. As required, reports
5 shall be submitted by the program on forms provided by the Board. If Respondent has not
6 completed a Board-approved treatment/rehabilitation program prior to commencement of
7 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
8 a program. If a program is not successfully completed within the first nine months of probation,
9 the Board shall consider Respondent in violation of probation.

10 Based on Board recommendation, each week Respondent shall be required to
11 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
12 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
13 by the Board. If a nurse support group is not available, an additional 12-step meeting or
14 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
15 such attendance to the Board during the entire period of probation. Respondent shall continue
16 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
17 mental health examiner and/or other ongoing recovery groups.

18 15. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
19 shall completely abstain from the possession, injection or consumption by any route of all
20 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
21 the same are ordered by a health care professional legally authorized to do so as part of
22 documented medical treatment. Respondent shall have sent to the Board, in writing and within
23 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
24 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
25 medication will no longer be required, and the effect on the recovery plan, if appropriate.

26 Respondent shall identify for the Board a single physician, nurse practitioner or
27 physician assistant who shall be aware of Respondent's history of substance abuse and will
28 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled

1 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
2 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
3 condition. If any substances considered addictive have been prescribed, the report shall identify a
4 program for the time limited use of any such substances.

5 The Board may require the single coordinating physician, nurse practitioner, or
6 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
7 addictive medicine.

8 16. **Submit to Tests and Samples.** Respondent, at her expense, shall
9 participate in a random, biological fluid testing or a drug screening program which the Board
10 approves. The length of time and frequency will be subject to approval by the Board.
11 Respondent is responsible for keeping the Board informed of Respondent's current telephone
12 number at all times. Respondent shall also ensure that messages may be left at the telephone
13 number when she is not available and ensure that reports are submitted directly by the testing
14 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
15 to the Board by the program and Respondent shall be considered in violation of probation.

16 In addition, Respondent, at any time during the period of probation, shall fully
17 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
18 tests and samples as the Board or its representatives may require for the detection of alcohol,
19 narcotics, hypnotics, dangerous drugs, or other controlled substances.

20 If Respondent has a positive drug screen for any substance not legally authorized
21 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
22 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
23 from practice pending the final decision on the petition to revoke probation or the accusation.
24 This period of suspension will not apply to the reduction of this probationary time period.

25 If Respondent fails to participate in a random, biological fluid testing or drug
26 screening program within the specified time frame, Respondent shall immediately cease practice
27 and shall not resume practice until notified by the Board. After taking into account documented
28 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the

1 Board may suspend Respondent from practice pending the final decision on the petition to
2 revoke probation or the accusation. This period of suspension will not apply to the reduction of
3 this probationary time period.

4 17. **Mental Health Examination.** Respondent shall, within 45 days of the
5 effective date of this Decision, have a mental health examination including psychological testing
6 as appropriate to determine her capability to perform the duties of a registered nurse. The
7 examination will be performed by a psychiatrist, psychologist or other licensed mental health
8 practitioner approved by the Board. The examining mental health practitioner will submit a
9 written report of that assessment and recommendations to the Board. All costs are the
10 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
11 result of the mental health examination will be instituted and followed by Respondent.

12 If Respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed mental health care practitioner making this determination shall immediately notify
14 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
15 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
16 practice and may not resume practice until notified by the Board. During this period of
17 suspension, Respondent shall not engage in any practice for which a license issued by the Board
18 is required, until the Board has notified Respondent that a mental health determination permits
19 Respondent to resume practice. This period of suspension will not apply to the reduction of this
20 probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within
22 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
23 practice until notified by the Board. This period of suspension will not apply to the reduction of
24 this probationary time period. The Board may waive or postpone this suspension only if
25 significant, documented evidence of mitigation is provided. Such evidence must establish good
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
27 provided. Only one such waiver or extension may be permitted.

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1 18. **Therapy or Counseling Program.** Respondent, at her expense, shall
2 participate in an on-going counseling program until such time as the Board releases her from this
3 requirement and only upon the recommendation of the counselor. Written progress reports from
4 the counselor will be required at various intervals.

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I
7 understand the stipulation and the effect it will have on my Registered Nursing License. I enter
8 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
9 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

10 DATED: 11/2/07

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13 LISA MCAULEY
14 Respondent

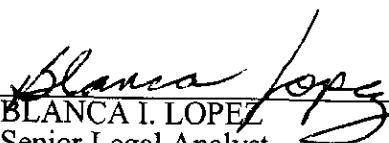
15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
18 Affairs.

19 DATED: 11/6/07

20 EDMUND G. BROWN JR., Attorney General
21 of the State of California

22 JAMES M. LEDAKIS
23 Supervising Deputy Attorney General

24 
25 BLANCA I. LOPEZ
26 Senior Legal Analyst

27 Attorneys for Complainant
28

Exhibit A
Statement of Issues No. 2007-285

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARGARET ANN LAFKO,
Supervising Deputy Attorney General
3 RONALD A. CASINO, State Bar No. 70410
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8 Attorneys for Complainant

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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Statement of Issues Against:

13 LISA IRENE MCAULEY
14 1433 Superior Ave., Apt. 325
15 Newport Beach, CA 92663

16 Respondent.

Case No. 2007-285

STATEMENT OF ISSUES

17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Statement of Issues solely in her official capacity
20 as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

21 **APPLICATION AND DENIAL**

22 2. On or about April 5, 2006, the Board received an application for a
23 registered nurse license from Lisa Irene McAuley ("Respondent"). On April 3, 2006,
24 Respondent certified under penalty of perjury that the information contained in the application
25 was true and correct. On or about May 30, 2006, the Board denied the application on the ground
26 that Respondent had suffered several convictions for driving under the influence of alcohol.

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1 (f) Conviction of a felony or of any offense substantially
2 related to the qualifications, functions, and duties of a registered
3 nurse, in which event the record of the conviction shall be
4 conclusive evidence thereof.

5 8. Section 2762 of the Code states, in pertinent part:

6 In addition to other acts constituting unprofessional conduct
7 within the meaning of this chapter, it is unprofessional conduct for
8 a person licensed under this chapter to do any of the following:

9

10 (b) Use any controlled substance as defined in Division 10
11 (commencing with Section 11000) of the Health and Safety Code,
12 or any dangerous drug or dangerous device as defined in Section 4022,
13 or alcoholic beverages, to an extent or in a manner dangerous or
14 injurious to himself or herself, any other person, or the public or
15 to the extent that such use impairs his or her ability to conduct with
16 safety to the public the practice authorized by his or her license.

17 (c) Be convicted of a criminal offense involving the prescription,
18 consumption, or self-administration of any of the substances described
19 in subdivisions (a) and (b) of this section, or the possession of, or
20 falsification of a record pertaining to, the substances described in
21 subdivision (a) of this section, in which event the record of the
22 conviction is conclusive evidence thereof.

23 REGULATIONS

24 9. Section 1444 of Title 16 of the California Code of Regulations
25 ("Regulations") states:

26 A conviction or act shall be considered to be substantially related
27 to the qualifications, functions or duties of a registered nurse if to a
28 substantial degree it evidences the present or potential unfitness of a
registered nurse to practice in a manner consistent with the public
health, safety, or welfare. Such convictions or acts shall include but
not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to,
those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant
to Section 290 of the Penal Code.

10. Section 1445 of the Regulations states:

(a) When considering the denial of a license under Section 480 of

1 the code, the board, in evaluating the rehabilitation of the applicant and
2 his/her present eligibility for a license will consider the following criteria:

3 (1) The nature and severity of the act(s) or crime(s) under
4 consideration as grounds for denial.

5 (2) Evidence of any act(s) committed subsequent to the act(s)
6 or crime(s) under consideration as grounds for denial which also could
7 be considered as grounds for denial under Section 480 of the code.

8 (3) The time that has elapsed since commission of the act(s) or
9 crime(s) referred to in subdivision (1) or (2).

10 (4) The extent to which the applicant has complied with any
11 terms of parole, probation, restitution, or any other sanctions lawfully
12 imposed against the applicant.

13 (5) Evidence, if any, or rehabilitation submitted by the applicant.

14 (b) When considering the suspension or revocation of a license
15 on the grounds that a registered nurse has been convicted of a crime,
16 the board, in evaluating the rehabilitation of such person and his/her
17 eligibility for a license will consider the following criteria:

18 (1) Nature and severity of the act(s) or offense(s).

19 (2) Total criminal record.

20 (3) The time that has elapsed since commission of the act(s)
21 or offense.

22 (4) Whether the licensee has complied with any terms of
23 parole, probation, restitution or any other sanctions lawfully
24 imposed against the licensee.

25 (5) If applicable, evidence of expungement proceedings
26 pursuant to Section 1203.4 of the Penal Code.

27 (6) Evidence, if any, of rehabilitation submitted by the licensee.

28 **FIRST CAUSE FOR DENIAL**

**(September 8, 2006 Criminal Convictions – Driving
Under the Influence of Alcohol and Driving With
0.08 Percent or More Blood Alcohol on October 28, 2005)**

11. Respondent's application for licensure is subject to denial under Code
sections 480, subdivision (a), 2736, subdivision (a), 2761, subdivisions (a) and (f), and 2762,
subdivisions (b) and (c), in that Respondent has been convicted of crimes substantially related to
the qualifications, functions, or duties of a registered nurse, and which constitute unprofessional
conduct, as set forth below.

1 12. On or about September 8, 2006, in the Superior Court of California,
2 County of Orange, in the case entitled, *People of the State of California v. Lisa Irene McAuley*,
3 Case No. 05HM08568MA, Respondent was convicted by the court on her pleas of guilty of
4 violating Vehicle Code sections 23152, subdivision (a) (driving under the influence of alcohol)
5 and 23152, subdivision (b) (driving with 0.08 percent or more blood alcohol). The facts and
6 circumstances of the convictions are as follows:

7 13. On or about October 28, 2005, in the City of Newport Beach, Respondent
8 drove a motor vehicle while under the influence of alcohol and with 0.08 percent or more blood
9 alcohol.

10 14. On or about September 8, 2006, Respondent was sentenced to 5 years
11 formal probation, 120 days custody (stayed), \$490.00 in fines (\$390.00 of which was converted
12 to community service), submission to chemical tests, multiple DUI offender program, victim
13 impact panel program, and revocation of driver's license (CDL) for 3 years. On or about
14 September 26, 2006, Respondent was re-sentenced to 5 years informal probation, 120 days
15 custody (without stay), \$490.00 in fines (without any community service substitute), submission
16 to chemical tests, multiple DUI offender program, victim impact panel program, 3 year CDL
17 revocation, and ignition interlock on her vehicle.

18 **SECOND CAUSE FOR DENIAL**
19 **(March 20, 2001 Criminal Conviction – Driving**
 Under the Influence of Alcohol on December 30, 2000)

20 15. Respondent's application for licensure is subject to denial under Code
21 sections 480, subdivision (a), 2736, subdivision (a), 2761, subdivisions (a) and (f), and 2762,
22 subdivisions (b) and (c), in that Respondent has been convicted of a crime substantially related to
23 the qualifications, functions, or duties of a registered nurse, and which constitutes unprofessional
24 conduct, as set forth below.

25 16. On or about March 20, 2001, in the Superior Court of California, County
26 of Riverside, in the case entitled *People of the State of California v. Lisa Irene McAuley*, Case
27 No. RIM405026, Respondent was convicted by the court on her plea of guilty of violating

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1 Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol). The facts
2 and circumstances of the conviction are as follows:

3 17. On or about December 30, 2000, in the County of Riverside, Respondent
4 drove a motor vehicle while under the influence of alcohol.

5 18. On or about March 20, 2001, Respondent was sentenced to 4 years
6 summary probation, 20 days custody, \$1,254.00 in fines, drinking driver program, 18 month
7 CDL restriction, and submission to chemical tests.

8 **THIRD CAUSE FOR DENIAL**
9 **(March 20, 2001 Criminal Convictions – Driving**
10 **Under the Influence of Alcohol and a Drug and Being**
11 **Under the Influence of a Controlled Substance**
12 **on November 30, 2000)**

13 19. Respondent's application for licensure is subject to denial under Code
14 sections 480, subdivision (a), 2736, subdivision (a), 2761, subdivisions (a) and (f), and 2762,
15 subdivisions (b) and (c), in that Respondent has been convicted of crimes substantially related to
16 the qualifications, functions, or duties of a registered nurse, and which constitute unprofessional
17 conduct, as set forth below.

18 20. On or about March 20, 2001, in the Superior Court of California, County
19 of Riverside, in the case entitled *People of the State of California v. Lisa Irene McAuley*, Case
20 No. RIM404744, Respondent was convicted by the court on her plea of guilty of violating
21 Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol and a drug
22 and under their combined influence) and Health And Safety Code section 11550, subdivision (a)
(use and be under the influence of a controlled substance). The facts and circumstances of the
23 convictions are as follows:

24 21. On or about November 30, 2000, in the County of Riverside, Respondent
25 drove a motor vehicle while under the combined influence of alcohol and a controlled substance.

26 22. On or about March 20, 2001, Respondent was sentenced to 3 years
27 summary probation, 6 days custody, \$1,254.00 in fines, drinking driver program (concurrently
28 with Case No. RIM 405026), 3 months CDL restriction, and submission to chemical tests.


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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Lisa Irene McAuley for a registered nurse license;
2. Taking other and further action as deemed necessary and proper.

DATED: 6/4/07


RUTH ANN TERRY, M.P.H., R.N
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

RAC:kc
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